



# Public Service Commission of Wisconsin

Cheryl L. Parrino, Chairman  
Scott A. Neitzel, Commissioner  
Daniel J. Eastman, Commissioner

Jacqueline K. Reynolds, Executive Assistant  
Lynda L. Dorr, Secretary to the Commission  
Steven M. Schur, Chief Counsel

May 29, 1996

DOCKET FILE COPY ORIGINAL

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MAY 30 1996

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Mr. William F. Caton, Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: In the Matter of Implementation of the Local Competition  
Provisions in the Telecommunications Act of 1996

CC Docket No. 96-98

Dear Mr. Caton:

Pursuant to the Notice of Proposed Rulemaking, dated April 19, 1996, the Public Service Commission of Wisconsin is providing the enclosed reply comments. Enclosed are the original plus 12 copies as requested.

Sincerely,

*Cheryl L. Parrino*

Cheryl L. Parrino  
Chairman

No. of Copies rec'd  
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Enclosure

cc: International Transcription Service, Inc.  
Janice Myles, Common Carrier Bureau

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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MAY 30 1996  
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In the Matter of	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions in the Telecommunications Act	)	
of 1996	)	

**REPLY COMMENTS OF THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

**I. Introduction**

The Public Service Commission of Wisconsin (Wisconsin PSC) submitted initial comments in this docket for the purpose of sharing our experience so that the Federal Communications Commission (FCC) may give "due regard to work already done by the states that is compatible with the terms and the pro-competitive intent of the 1996 Act" (Notice, paragraph 26). Further, we cautioned the FCC to avoid setting national standards that stifle innovative and compatible state initiatives. The purpose of these reply comments is limited to updating the FCC on the status of pending dockets that were discussed in our initial comments.

## **II. An Update to the Wisconsin Experience**

At its open meeting of May 16, 1996, the Wisconsin PSC approved the attached interim procedures for negotiations, mediation, arbitration, and approval of agreements. Further, we directed incumbent local exchange carriers (LECs) to remove resale restrictions from their tariffs and to file existing interconnection agreements for our review. (See attached letter orders.)

The order in docket 05-TI-138, Investigation of the Appropriate Standards to Promote Effective Competition in the Local Exchange Telecommunications Market in Wisconsin, has not yet been issued and therefore cannot be shared with the FCC at this time.

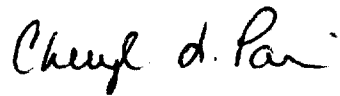
## **III. Summary**

The Wisconsin PSC submits these reply comments to update the FCC on the status of the pending dockets that were discussed in our initial comments for the purpose of sharing our experience so that the FCC may give "due regard to work already done by the states that is compatible with the terms and the pro-competitive intent of the 1996 Act" (Notice, paragraph 26). Letter orders covering interim procedures for negotiations, mediation,

FCC NPRM  
CC DOCKET 96-98  
Page 3

arbitration and approval of agreements; removal of resale restrictions from tariffs; and the filing of existing interconnection agreements are attached for the FCC's information.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Cheryl L. Parrino". The signature is written in a cursive, flowing style.

Cheryl L. Parrino  
Chairman

CLP:nal:reb:h:ss\general\FCC9698R.NAL

Attachments



# Public Service Commission of Wisconsin

Cheryl L. Parrino, Chairman  
Scott A. Neitzel, Commissioner  
Daniel J. Eastman, Commissioner

Jacqueline K. Reynolds, Executive Assistant  
Lynda L. Dorr, Secretary to the Commission  
Steven M. Schur, Chief Counsel

To All Local Exchange Companies and the Service List

Re: Investigation of the Implementation of the Telecommunications  
Act of 1996 in Wisconsin

05-TI-140

At its open meeting of May 16, 1996, the Public Service Commission of Wisconsin (Commission) adopted the attached interim procedures for negotiations, mediation, arbitration, and approval of agreements to implement state participation in developing competitive markets, as contemplated by 47 U.S.C. § 252. These procedures, as adopted, reflect the Commission's experience and technical expertise, consideration of the informative comments filed, and the further staff analysis and modifications presented in its memorandum to the Commission dated May 13, 1996.

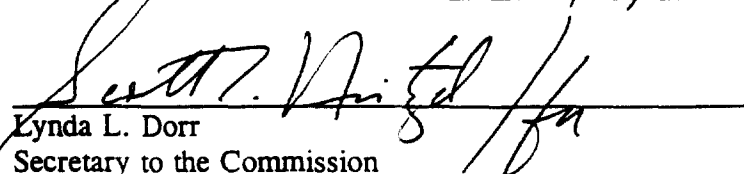
The attached procedures implement 47 U.S.C. § 252, within the Commission's authority, to resolve interconnection negotiations between and among telecommunications providers that are in, or proposing to enter, Wisconsin's local exchange markets. As appropriate to their respective situations, affected telecommunications providers should be aware of and observe these procedures.

These interim procedures are adopted under the Commission's jurisdiction and authority in ss. 196.02, 196.04, 196.204, 196.219, 196.28, 196.37, 227.47 and 227.48, Stats., and other provisions of chs. 196 and 227, Stats., as may be pertinent hereto.

If you have questions about this order, please contact Timothy W. Ulrich, Policy Analyst, at (608) 261-9419, or Michael S. Varda, Legal Counsel, at (608) 267-3591, both of the Telecommunications Division in the Commission.

By the Commission.

Signed this 23<sup>rd</sup> day of May, 1996

  
Lynda L. Dorr  
Secretary to the Commission

LLD:TWU:\lep:h:\ss\lorder\140arb.fnl

Attachment

cc: Records Management, PSCW  
See attached Notice of Appeal Rights.

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in s. 227.53, Stats. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in s. 227.01(3), Stats., a person aggrieved by the order has the further right to file one petition for rehearing as provided in s. 227.49, Stats. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with s. 227.48(2), Stats., and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

Revised 4/22/91

# **INTERIM PROCEDURES FOR NEGOTIATIONS, MEDIATION, ARBITRATION AND APPROVAL OF AGREEMENTS**

## **1. Purpose of Procedures.**

The purpose of these interim procedures is to timely implement 47 U.S.C. §252, created by the federal Telecommunications Act of 1996 (hereinafter referred to as "Act"), which establishes procedures to resolve disputes between carriers, namely through voluntary negotiations or, in the case of impasse, through state commission mediation and arbitration. This section of the Act also provides for state commission approval of voluntary agreements. Experience using these interim procedures in the near-term will assist the Commission in developing final administrative rules consistent with the Act and affected provisions of ch. 196, Stats.

## **2. Voluntary Negotiations**

**Voluntary Negotiations Defined:** Negotiation is a process whereby representatives (negotiators) of the parties in dispute (disputants) communicate their differences to one another and with this knowledge try to resolve them. Successful negotiations produce voluntary agreement over terms and conditions regarding those items in dispute, which may even include methods for resolving disputes over the interpretation and application of terms and conditions under an existing agreement.

**Initiation of Negotiation. Notice to the Commission:** A telecommunications carrier or carriers requesting voluntary negotiations under §252(a)(1) should simultaneously notify the Commission of its request of the incumbent local exchange carrier.

**Duty to Negotiate in Good Faith (or Good Faith Bargaining):** For the purpose of determining whether a telecommunications carrier has discharged its duty to negotiate in accordance with §251(c)(1), the Commission defines the duty to negotiate in good faith as the requirement or obligation of parties to meet and confer at reasonable times and places with minds open to persuasion and an eye toward reaching agreement over terms and conditions for interconnection, services, or network elements pursuant to §251. Good faith bargaining does not imply that either party is required to reach agreement on any proposal. Moreover, "good faith" is not necessarily incompatible with stubbornness or even with what an outsider may consider unreasonableness.

As an element in determining whether a telecommunications carrier has met the obligation of good faith bargaining imposed by §251(c)(1), the Commission may consider any party's refusal to give information about its costs or other pertinent data upon the request of the other party, so that the requesting party can substantiate the claims made

by the telecommunications carrier in negotiations. The Commission will adjudicate disputes over furnishing information upon complaint of any party to the negotiations under s. 196.37, Stats.

### **3. Mediation**

**Mediation Defined:** Mediation is a process in which a neutral party assists the disputants in reaching their own settlement but does not have the authority to make a binding decision.

**Initiation of Mediation:** Any party requesting mediation pursuant to 47 U.S.C. §252(a)(2) shall do so in writing to Commission. A copy of this mediation request to the Commission should be simultaneously served on the other party(ies) in the dispute. Alternatively, parties may jointly submit in writing their request for Commission mediation.

**Docketing and Assessment of Costs:** Requests for mediation will be generically docketed and costs will be directly and equally assessed to the parties involved in the negotiation.

**Appointment of Mediator(s):** The Commission, or its designee, may appoint its own staff or any competent, impartial, disinterested person of character and ability to act as mediator in any dispute for which mediation under the Act is available, upon the Commission's own initiative or upon the request of the parties to the dispute. If someone other than Commission staff is appointed as a mediator, the cost of mediation shall be shared equally by the parties.

**Role and Duties of the Mediator(s):** It is the function of the mediator(s) to encourage voluntary settlement by the parties. Mediator(s) may not compel a settlement. Mediator(s) shall schedule meetings of the parties, direct the parties to prepare for those meetings, hold private caucuses with each party in an attempt to bring disputants closer together, attempt to achieve a mediated resolution and, if the parties request, assist the parties in preparing a written agreement.

**Confidentiality:** All mediators shall keep confidential all information and records obtained in conducting mediation, provided parties have entered into proprietary agreements and, further agreed to hold in-camera proceedings, consistent with their obligations under 47 U.S.C. §702(b).

**Mediators Acting as Arbitrators (med-arb):** Mediator(s) may also be appointed by the Commission to act as arbitrators in the same dispute if no mediated resolution is reached. In so doing, the Commission can assign staff to serve as both mediator(s) and arbitrator(s) in a dispute. This form of dispute resolution is sometimes referred to as med-arb. It combines the voluntary techniques of persuasion and discussion, as in mediation, with an arbitrator's authority to issue a decision, when necessary.



#### **4. Arbitration**

**Arbitration Defined:** Arbitration is the investigatory process whereby a dispute is submitted to one or more impartial persons (arbitrators) for decision (award), subject to Commission approval pursuant to §252(e).

**Initiation of Arbitration:** The Commission will not accept and therefore will return any petition for arbitration pursuant to §252(b)(1) that is untimely, or that does not fully comply with the filing requirements as set forth in §252(b)(2). A petition for arbitration shall state whether a hearing is necessary as part of the arbitration, and shall include any request for orders for production of information (see "Discovery" section below).

**Docketing and Assessment of Costs:** Petitions for arbitration will be generically docketed and costs will be directly and equally assessed to the parties involved in arbitration.

**Appointment of Arbitration Panel:** Upon receipt of a timely and complete petition for arbitration, the Commission, or its designee, shall appoint a chair and other members of its own staff, with or without the advice of the parties, to serve on an arbitration panel. The size and composition of this ad hoc arbitration panel shall be appropriate to the nature of the instant dispute.

**Arbitrators Acting as Mediators (med-arb):** The arbitration panel may request the parties to mediate prior to initiating the arbitration process if impasse has not been reached. The parties are under no obligation to participate in mediation as part of the arbitration process. If impasse is reached, or after a reasonable period of unsuccessful meditation, arbitration should proceed expeditiously.

**Voluntary Agreement After the Initiation of Arbitration:** If the parties reach voluntary agreement, with or without mediation, after the initiation of arbitration, the arbitration panel will issue a consent award. Consent awards will be submitted to the Commission for 30-day approval or rejection like any other arbitration award. Alternatively, the parties may jointly submit their voluntary agreement to the Commission for 90-day approval or rejection, along with a joint petition to dismiss the arbitration petition.

**Role and Duties of the Arbitration Panel:** It is the function of the arbitration panel to decide the issues in dispute in accordance with these procedures if the parties cannot reach voluntary agreement.

**Procedural Arbitrability:** Disputes over whether an issue is properly subject to the arbitration process shall be decided by the arbitration panel before hearing evidence on the merits of the dispute. The arbitration panel should presume arbitrability unless a clear and convincing case is made to the contrary by the non-petitioning party challenging procedural arbitrability.

A non-petitioning party to the negotiation will be deemed to have waived its right to challenge procedural arbitrability if it fails to do so when responding to the petition pursuant to §252(b)(3).

**Confidentiality:** All arbitrators shall keep confidential all information and records obtained in conducting mediation, provided parties have entered into proprietary agreements and, further agreed to hold in-camera proceedings, consistent with their obligations under §702(b).

**Fact Gathering Procedures:** In accordance with §252(b)(4)(B), which requires parties to provide such information as may be necessary to reach a decision on the unresolved issues, each arbitration panel shall investigate and gather factual information and secure relevant argument according to the following procedures:

*Application of Procedures.* The arbitration panel should apply these hearing procedures in a manner appropriate for the issues presented, with a view to fair, expeditious and economical conduct of the arbitration.

*Parties.* Only parties to the negotiations will be permitted to participate as parties to the arbitration, unless the Commission consolidates proceedings pursuant to §252(g). Commission staff participation is limited to those staff members serving on the arbitration panel, except that the arbitration panel may in a hearing call other staff members as witnesses within the scope of 47 U.S.C. §262(b)(4)(B).

*Issue Determination.* If, after the submission of the petition and any response, the issues remain uncertain, or the parties have been unable to stipulate as to a statement of issues, the arbitration panel will determine the statement of disputed issues as part of its written award.

*Factual stipulations.* Whenever possible, parties should enter into factual stipulations to expedite the arbitration. If there are no material factual disputes, the arbitration panel may decide the disputed issues without hearing by relying on written material submitted by the parties. If a hearing is conducted, factual stipulations should be made a part of record of the hearing.

*Discovery.* No party-to-party discovery is permitted; however, any party to the proceeding may request the arbitration panel to order the other party, pursuant to §252(b)(4)(B), to produce certain information for the record. The arbitration panel may alter, amend, or supplement the information request as it deems appropriate. Such requests should be made in the petitioning process for arbitration (§252(b)(2)(A)).

*Hearing.* The arbitration panel shall attend the arbitration hearing, if held. The chair of the arbitration panel will preside over the hearing.

*Notice of Hearing.* The arbitration panel will set the time and place of the arbitration hearing upon at least 10-day written notice to the parties. This notice will be signed by the chair of the arbitration panel.

*Issue Determination.* Each party shall be directed to submit an issues statement at the beginning of the arbitration hearing. If parties cannot agree upon an issues statement, the arbitration panel will decide how to frame the issues as part of its written award.

*Order of Presentation.* The petitioning party will usually present its case first followed by the non-petitioning party, unless otherwise determined by the arbitration panel.

*Opening Statement.* Each party will be given an opportunity to make an opening statement. Any party may waive the opportunity to make an opening statement.

*Rules of evidence.* The arbitration panel should generally follow the rules of evidence used in Commission proceedings, but need not strictly apply those rules.

*Record evidence.* Testimony and exhibits or position papers will be prefiled, as directed by, and in accordance with a schedule established and noticed by the arbitration panel. The arbitration panel may limit the amount of evidence presented by the parties.

*Transcripts.* No written transcripts will be prepared. The arbitration panel will make a tape (audio or video) of the arbitration hearing for its own use. Provided that it does not violate any applicable Commission agreement for contract reporting service, a party is permitted to elect stenographic reporting at its own expense, but a free copy must be made available to the Commission, and a copy to any other party to the proceeding requesting same for the customary copy charge.

*Witnesses.* The arbitration panel may issue subpoenas for witnesses and may call members of the Commission staff as witnesses. Witnesses will be sworn to tell the truth before giving testimony. Witnesses may be cross-examined on their testimony. The arbitration panel may limit the number of witnesses offering testimony on behalf of any party.

*Participation of arbitrators in the hearing.* Members of arbitrator panel may ask witnesses questions. The arbitration panel may also require parties to provide and submit information for the record pursuant to §252(b)(4)(B).

*Argument.* An opportunity for oral argument will be afforded to each party in lieu of post-hearing written briefs. Any party may waive its opportunity to make oral argument. Following oral argument, the record in the arbitration proceeding will be closed. At the sole discretion of the arbitration panel, written briefs may be substituted for oral argument.

*Ex parte communications.* Although arbitration under the Act is not considered a Class 1 proceeding under the Wisconsin statutes, rules under s. 227.50, Stats., governing ex parte communications will apply in these arbitration procedures as if an arbitration were a Class 1 proceeding. This provision will also apply through the Commission approval process.

*Written award.* The arbitration panel will timely make its decision by applying the record evidence to the standards for arbitration set forth in the Act by making a written arbitration award. It must be signed by at least a majority of the arbitration panel. The written arbitration award will be served on the Commission for its approval or rejection, the parties, and anyone on the Commission's standing mailing list for such awards. The time period for Commission approval shall be measured from the date of mailing.

## **5. Commission Approval of Agreements.**

The Commission will consider receipt of an arbitration award by the arbitration panel as a submission of an agreement for Commission approval pursuant to §252(e)(1).

For the purpose of implementing §252(e) of the Act, amendments, addenda, memoranda of agreement, letters of understanding and other written documents which materially add, delete or modify provisions of an existing agreement should be submitted to the Commission for its approval under these procedures.

Within 10 days following the issuance (mailing) of the arbitration award or submission of a voluntary agreement for Commission approval or rejection pursuant to 47 U.S.C. §252(e), the parties involved in the negotiations or arbitration, and any other interested party, may submit written comments to the Commission supporting either approval or rejection of the agreement.

The Commission will record its action in its minutes and direct that a letter be promptly mailed to the parties advising as to approval or rejection of the agreement. A statement of any deficiencies, as required by the Act, shall accompany any rejection.

If the Commission rejects a voluntary agreement or arbitration award pursuant to 47 U.S.C. §252(e), the parties may resubmit the agreement for Commission approval within 30 days following such rejection, if the parties have remedied the deficiencies set forth in the Commission's findings.

**6. Disputes under an Existing Agreement.**

To the extent the parties have not made provision for resolving disputes arising under the terms of an existing agreement, such disputes over interpretation and application of existing agreements may be submitted to the Commission for arbitration under these procedures.

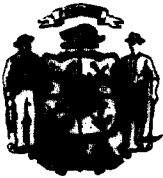
**7. Alternative Mediation and Arbitration Procedures.**

Notwithstanding any provision in these procedures, parties may propose, and the Commission may approve, alternative mediation and arbitration procedures.

**8. Amendment of Procedures.**

The Commission may amend these procedures, as necessary upon due notice, to effect the purposes of the Telecommunications Act of 1996 and provisions of Chapters 196 and 227, Stats., as appropriate.

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# Public Service Commission of Wisconsin

Cheryl L. Parrino, Chairman  
Scott A. Neitzel, Commissioner  
Daniel J. Eastman, Commissioner

Jacqueline K. Reynolds, Executive Assistant  
Lynda L. Dorr, Secretary to the Commission  
Steven M. Schur, Chief Counsel

To: All Local Exchange Carriers

Re: Investigation of the Implementation of the Telecommunications  
Act of 1996 in Wisconsin

05-TI-140

At its open meeting of May 16, 1996, the Commission determined that s. 196.219(3)(j), Wis. Stats., and § 251 of the Telecommunications Act of 1996, require that all resale prohibitions be removed. Those statutes allow for a limited number of restrictions on resale of services.

All local exchange carriers are hereby directed to file tariffs within 60 days removing all resale prohibitions, and segregating all resale restrictions into a single, easily identifiable section of the utility's tariff, such as a portion of the rules and regulations chapter. Competitors or other interested parties may challenge any of these restrictions under the Commission's complaint procedures.

Local exchange companies with 150,000 or fewer access lines may restrict the use of Extended Community Calling (ECC) and business services when used as a substitute for access, but may not prohibit the resale of those services. Companies wishing to impose such restrictions must include those restrictions in their tariff filings. The Commission will consider removal of such restrictions, on a company-specific basis, when that company receives a bonafide request to lift that restriction.

The Commission further determined that, where the residential and business prices for a service differ, services purchased at residential rates may not be resold to business customers. As appropriate, this restriction should be included in the resale rules being drafted in docket 1-AC-158, and companies may also include this "class of service" restriction in the section of their tariffs on resale restrictions.

The Commission also approved all telecommunications services for resale under s. 196.01(9), Wis. Stats. Such approval merely clarifies that resellers may resell all services, where not otherwise restricted. It does not override tariff restriction on resale.

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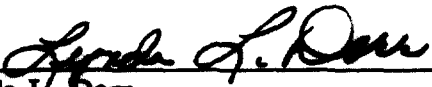
TELECOMMUNICATIONS  
DIVISION

To All Local Exchange Carriers  
Docket 05-TI-140  
Page 2

If you have questions about this order, please contact Peter R. Jahn of the Commission's Telecommunications Division at (608) 267-2338.

By the Commission.

Signed this 17<sup>th</sup> day of May 1996

  
Lynda L. Dorr  
Secretary to the Commission

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cc: Service List 05-TI-140  
Records Management, PSCW  
Reseller Standing Notice List

See attached Notice of Appeal Rights.

**Notice of Appeal Rights**

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in s. 227.53, Stats. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in s. 227.01(3), Stats., a person aggrieved by the order has the further right to file one petition for rehearing as provided in s. 227.49, Stats. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with s. 227.48(2), Stats., and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

**Revised 4/22/91**





# Public Service Commission of Wisconsin

Cheryl L. Parrino, Chairman  
Scott A. Neitzel, Commissioner  
Daniel J. Eastman, Commissioner

Jacqueline K. Reynolds, Executive Assistant  
Lynda L. Dorr, Secretary to the Commission  
Steven M. Schur, Chief Counsel

To: All Local Exchange Carriers

Re: Investigation of the Implementation of the Telecommunications  
Act of 1996 in Wisconsin

05-TI-140

At its open meeting of May 16, 1996, the Commission determined that § 252(a)(1) of the Telecommunications Act of 1996 ("Act") requires that all incumbent local exchange carriers (LECs) obtain Public Service Commission (PSC) approval of all agreements with other providers covering telecommunications services. All approved agreements will then become generally available to other telecommunications providers. Such agreements must also be made available to the general public by the PSC for copying ten days after approval. Except for services purchased under generally available tariffs at tariffed rates, § 252 covers all agreements for telecommunications services provided to other telecommunications providers. Agreements requiring filing and approval include those under s. 196.194(1), Wis. Stats., and contracts or agreements associated with a tariff, per s. 196.19(2), Wis. Stats., if made with other telecommunications providers.

Contracts and agreements which had expired and had not been renewed and agreements which had been completely terminated and/or renegotiated prior to February 8, 1996, (the date on which the Act became effective) need not be filed. Likewise, contracts which have expired between February 8, 1996, and the date of this order, and have not been renewed or renegotiated, also need not be filed.

Agreements should be filed with the Commission according to the schedule listed below. Five copies are required of the agreement and cover letters. The agreements should be addressed to Lynda L. Dorr, Secretary to the Commission, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707-7854. If electronic copies of these agreements exist, the providers should also file an electronic version, in WordPerfect 5.1 format.

All agreements should be filed as joint filings, with both providers filing cover letters. The joint filings will prevent duplicate filings and problems due to an agreement being filed simultaneously as both confidential and nonconfidential. Each cover letter should state whether the signatory party recommends that the Commission approve or reject the agreement. If a party to the agreement recommends that the agreement not be approved, the party must provide a full explanation of why that agreement should not be approved.

The providers should also jointly agree on whether the agreement will be filed under confidential cover. If the agreement is to be confidential, it must be accompanied by the appropriate form. All approved agreements must be made public ten days after Commission approval, as required by federal law. Therefore, confidentiality cannot be requested beyond ten days after the Commission approves the agreement. **Given this situation, and because of the significant administrative burdens created by the confidentiality requirements, the Commission *strongly* recommends that such agreements *not* be filed confidentially.**

Companies need only file those agreements that have not already been filed. For example, Wisconsin Bell, Inc. (Ameritech), will file all Extended Area Service (EAS) agreements between it and the independent companies by July 1, 1996. The independent companies (ICOs) are to file all their remaining EAS agreements by November 1, 1996. At that time the ICOs will not need to refile those agreements which were filed by Ameritech on July 1, 1996.

Where companies have a number of agreements that have the same rates, terms and/or conditions, the company should file five copies of a sample of the agreement or identical language, together with a list of all identical agreements or agreements using that language. If the terms and conditions of the agreements are the same, but the rates differ, the company can file a sample of the terms and conditions, together with copies of just the pages from each agreement showing the differing rates. Where a company has a number of similar agreements and is recommending that the Commission reject each of those agreements for the same reasons, the company can file five copies of the argument and rationale for rejection separately--rather than including the complete argument in each cover letter -- and simply cite those reasons in the cover letters accompanying each filing.

Many of the agreements to be filed will be between Ameritech and the ICOs (or GTE North Incorporated [GTE] and the ICOs). As a result, the Commission will be considering approval of agreements involving ICOs beginning July 1, 1996. The Act allows the Commission only 90 days to consider such agreements, therefore any ICOs wishing to obtain rural telephone company exemptions will need to file a request for such exemptions within 60 days of the date of filing. The Commission will hold a technical conference in early June to clarify the procedures for filing such exemptions.

For the purposes of this schedule, the various agreements which must be filed are divided into the following categories:

**Direct Interconnection:** This category includes agreements for the termination of local calls originated on one provider's network and terminated on that of the other provider that are not included in the EAS or Extended Community Calling (ECC) categories.

**EAS:** EAS agreements are for the transport and termination of extended area service calls.

**ECC:** ECC agreements are for the transport and termination of extended community calling calls.

**Toll transport:** Toll transport agreements relate to the handling of, and compensation for, interexchange transport and routing.

**Other toll services:** These include agreements covering the handling of Feature Group B (FGB), revenue sharing for Feature Group A (FGA), and similar agreements covering toll services which are not filed in the toll transport or toll recording category.

**911:** This category covers contracts for 911 service, plus agreements over the routing of emergency calls and compensation for such emergency calls and associated networks.

**DA:** This category covers agreements and contracts for directory assistance.

**Directory Listings:** This category covers agreements for the sharing, sale, or use of directory listings, and for distribution of directories.

**OS:** This category covers agreements and contracts involving operator services (except for directory assistance). This also includes agreements for providing Traffic Service Position system (TSPS) service to Customer-Owned Coin-Operated Telephones (COCOTs).

**Toll Recording:** This category includes agreements and contracts for performing rating and/or recording of toll calls at another end office or tandem, when the end office does not have that capability.

**SS7:** This category includes agreements for providing Signalling System 7 services through the tandem or another remote office, for interconnection to signal transfer points (STPs) and other SS7 equipment and databases, and also includes agreements for 800 number translation and WATS serving offices.

**Switcher Areas:** This category covers agreements under which one LEC provides switching services for a portion of another LEC's exchange.

**Private Line:** This category includes agreements for the channels used in providing private line services, Bell Channel services, and foreign exchange services.

**Intercept:** Intercept agreements provide intercept announcements for customers who have moved.

**Internet:** This category covers agreements with Internet service providers, including agreements with LEC subsidiaries providing Internet or Internet services provided by the LEC under nonutility merchandising.

**Cellular:** This category covers agreements with cellular, paging or RCC providers.

**State Services:** This category covers agreements covering links or "spurs" used by the State Telephone Service (STS) system or by the lottery network.

**Other:** This category covers any other agreements between providers not listed above.

#### **Schedule**

Agreements must be filed according to the following schedule. Early filing (more than 15 days before the listed date) is strongly discouraged.

##### **By July 1, 1996**

Ameritech and GTE file: any direct interconnection, cellular and EAS agreements, including agreements between Ameritech and the ICOs and between GTE and the ICOs.

ICOs File: none.

##### **By August 1, 1996**

Ameritech and GTE File: SS7, toll transport, toll recording and other toll services.

ICOs File: none.

##### **By September 3, 1996**

Ameritech and GTE File: 911, DA, OS and directory listing agreements.

ICOs File: none.

##### **By October 1, 1996**

Ameritech and GTE file: ECC.

ICOs File: ECC.

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**By November 1, 1996**

Ameritech and GTE File: switcher areas, state services, internet, private line and other agreements.

ICOs File: direct interconnection and EAS agreements.

**By December 2, 1996**

Ameritech and GTE File: any remaining agreements.

ICOs File: SS7, toll transport, toll recording and other toll services.

**By January 2, 1997**

Ameritech and GTE File: none.

ICOs File: 911, DA, OS and directory listing agreements.

**By February 3, 1997**

Ameritech and GTE File: none.


ICOs file: switcher areas, state services, internet, private line and other agreements.

This letter order is issued under the Commission's jurisdiction in ss. 196.02, 196.19, 196.194(1), 196.196, 196.20, 196.25, 196.28, 196.37, 196.219, Stats., other provisions of chs. 196 and 227, Stats., as may be pertinent hereto, and the Telecommunications Act of 1996, 47 U.S.C. §§ 251 and 252.

If you should have any questions on this, please contact Peter Jahn of the Telecommunications Division staff at (608) 267-2338.

By the Commission.

Signed this 17<sup>th</sup> day of May 1996

  
\_\_\_\_\_  
Lynda L. Dorr  
Secretary to the Commission

LLD:PRJ:reb:h:\ss\lorder\140sched.prj

cc: Service List 05-TI-140  
Records Management, PSCW

See attached Notice of Appeal Rights.

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in s. 227.53, Stats. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in s. 227.01(3), Stats., a person aggrieved by the order has the further right to file one petition for rehearing as provided in s. 227.49, Stats. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with s. 227.48(2), Stats., and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

Revised 4/22/91